

In the
Indiana Supreme Court

IN THE MATTER OF)
) **Case No. 49S00-0305-DI-222**
MARY ELIZABETH RAMEY)

ORDER FINDING FOR RESPONDENT

The hearing officer appointed by this Court to hear evidence on the Disciplinary Commission's *Verified Complaint for Disciplinary Action* has submitted his report to this Court, therein finding that the Commission did not carry its burden to show by clear and convincing evidence that the respondent, Mary Elizabeth Ramey, engaged in attorney misconduct as charged by the Commission. Upon review of that report, as well as the Commission's *Petition for Review* of the hearing officer's findings, the respondent's brief in opposition to the Commission's petition, and the Commission's reply, we now find that the Commission failed to demonstrate by clear and convincing evidence that the respondent violated the *Rules of Professional Conduct*, as charged in the verified complaint.

IT IS, THEREFORE, ORDERED that judgment is entered for the respondent.

The Clerk of this Court is directed to provide notice of this order to the respondent and her attorney, to the Disciplinary Commission, and to the hearing officer in this matter, the Honorable William Young.

DONE at Indianapolis, Indiana, this _____ day of April, 2006.

For the Court,
Randall T. Shepard
Chief Justice of Indiana

DICKSON, BOEHM, and RUCKER, JJ., concur.

SULLIVAN, J., dissents with separate statement in which SHEPARD, C.J., concurs.

SULLIVAN, Justice, dissenting.

I respectfully dissent. I believe the Commission proved by clear and convincing evidence that the respondent violated Ind. Professional Conduct Rule 1.4 by failing to keep her client reasonably informed about the status of her client's medical malpractice claim that underlies this proceeding. When the defendant filed on April 12, 1999, a motion for summary judgment seeking a preliminary determination on whether the statute of limitations had run prior to the client's claim having been filed, the respondent did not inform her client until July 11, 1999. When the trial court granted on November 9, 1999, defendant's motion for summary judgment, the respondent did not schedule a telephone appointment to inform her client until December 16, 1999. (This appointment was thus on a date beyond the day on which the client would either need to file an appeal or forfeit the right to appeal.)

When events of this magnitude occur during litigation, a client is entitled to more timely notice than respondent provided here. I think the appropriate sanction for this misconduct is a private reprimand.

SHEPARD, C.J., joins.